

# BOARD OF ZONING APPEALS

CITY OF MILWAUKEE

REGULAR MEETING - October 21, 1999

City Hall, Common Council Committee Room 301-B

## *MINUTES*

PRESENT:                      **Chairman:**                      Craig H. Zetley (*voted on items 1-26, 29-44*)  
   **Members:**                      Henry P. Szymanski (*voted on items 1, 3-44*)  
                                        Scott R. Winkler (*voted on items 1-44*)  
                                        Catherine M. Doyle (*voted on items 1-44*)  
                                        Roy B. Nabors (*voted on items 1-42*)

**Alt. Board Members:**                      Donald Jackson (*voted on items 2, 43-44*)  
                                        Georgia M. Cameron (*voted on items 26-27*)

Start time: 2:10 PM

End Time: 7:10 PM

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<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
1	22423 Special Use Adjourned	Muhammad Ali, Lessee d/b/a Japan Autos  Request to operate used car sales and repair.	5502 W. Center St. (7th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Henry P. Szymanski moved to adjourn the appeal. Seconded by Catherine M. Doyle.

<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
2	22348 Special Use Granted 3 yrs.	The V.E. Carter Development Group, Inc., Prospective Buyer By: Lorraine P. Carter  Request to occupy the premises as a social service facility.	2801 W. Wisconsin Ave. (4th)  Ayes: 5 Nays: 0 Abstain:

Catherine M. Doyle moved to grant the appeal. Seconded by Scott R. Winkler.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That no more than fifty (50) persons are enrolled in the day reporting program at any given time.
5. That no day reporting participants are on the premises after 3:30 PM.
6. That no scheduled programming is to occur in the building after 6:00 PM on weekdays. No scheduled programming is to occur on the weekends.
7. That the corporate offices are closed no later than 6:00 PM on weekdays and 3:00 PM on Saturday. The offices are to remain closed on Sunday.
8. That the applicant provide a report to the Department of Neighborhood Services, at least quarterly, beginning not later than thirty days from the date hereof containing information on the number of persons served by the day reporting program, broken down by month with copies being provided to the alderman for the district in which the special use is located, the Executive Director of the Avenues West Business Improvement District (BID), and any party which registered with the applicant to receive a copy.
9. That all signage for the premises is limited to 17.5 sq. ft.
10. That no other social service programs --aside from the day reporting program-- may take place on the premises without approval from the Board.
11. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.

3	22244 Rehearing Request Granted	Pierrea's Playmate Day Care, Property Owner By: Linda Wallace-Travis  Request to change the approved hours for the day care center from 6AM-6PM to 6AM-12AM.	4127 W. Nash St. (10th)  Ayes: 4 Nays: 0 Abstain: 1 C. Zetley
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Scott R. Winkler moved to grant the petition for rehearing. Seconded by Henry P. Szymanski.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
4	22515 Variance Denied	Professional Hospitality LLC, Property Owner  Request for a resubmission request to construct a 70' sign on the premises.	6214 S. 13th St. (13th)  Ayes: 4 Nays: 0 Abstain: 1 C. Zetley

Board member Scott R. Winkler moved to deny the petition for reconsideration. Seconded by Henry P. Szymanski.

5	22519 Chg. of Operator Granted	Bernie Mac, Inc., Franchisee By: Bernard Saffold  Request for a Change of Operator to continue occupying the premises as a Type "B" restaurant.	2455 W. Wisconsin Ave. (4th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to grant the Change of Operator. Seconded by Catherine M. Doyle.

6	22273 Ext. of Time Granted 6 mo.	Lakeside International Trucks, Inc., By: Peter Ogorek  Request to receive an extension of time to finalize site plan for an appeal.	11000 W. Silver Spring (15th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley
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Roy B. Nabors moved to grant the extension. Seconded by Catherine M. Doyle.

7	22270 Special Use Dismissed	Taylor Smith, Property Owner  Request to occupy the premise as a tavern.	818-20 S. Water St. (12th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to dismiss the appeal. Seconded by Catherine M. Doyle.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
8	22505 Variance Granted	Gregory R. Georg & Carlen I. Hatala, Property Owner By: Gregory R. Georg and Carlen I. Hatala  Request to construct a 2 story addition to the existing single family dwelling unit.	5008 W. Bluemound Rd. (16th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the petitioner build in accordance with plans as submitted to the Board.
4. That this Variance is granted to run with the land.

9	22447 Variance Granted	Fred and Mary Crouther, Property Owner By: Fred Crouther  Request to construct an addition to the existing single family dwelling unit.	4201 N. 16th St. (1st)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the petitioner build in accordance with plans as submitted to the Board.
4. That this Variance is granted to run with the land.

10	22474 Special Use Adjourned	Toshiba Adams, Property Owner d/b/a Joyful Love Child Care Center  Request to occupy the premises as a day care center for 50 children, ages 6wks. to 12 yrs., from 6:30 a.m. to 5:30 p.m.	6107 W. Leon Terrace (2nd)
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This item was adjourned at the request of an interested party and will be rescheduled for the next available hearing date.

<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
11	22508 Use Variance Granted 10 yrs.	Atty. Richard L. Moncada, Prospective Buyer d/b/a Moncada Law Firm  Request to occupy the premises as a law office.	1613 N. Van Buren St. (3rd)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That this Variance is granted for a period of ten (10) years, commencing with the date hereof.

12	22420 Special Use Granted 10 yrs.	Rita Gillespie, Property Owner d/b/a Next Generation Child Development Center By: Rita Gillespie  Request to occupy the 1st and 2nd floors of the premises as a day care center for 50 children, ages 6wks. to 12yrs., from 6AM to 6PM.	2979 N. Palmer St. (6th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That a special privilege is obtained for the fence and other encroachments into the public right of way, or the encroachments are eliminated.
5. That signage must be limited to a maximum of 17.5 square feet.
6. That the operator comply with state commercial code for day care centers.
7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
13	22496 Special Use Granted 10 yrs.	Julie A. Scott, Lessee  Request to occupy the premises as a tavern, with a horse-shoe pit and the construction of a deck.	2207 N. Humboldt Ave. (6th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That landscaping and screening plans be submitted that provide a buffer between the parking lot and the N. Humboldt Ave. right of way.
5. That a special privilege is obtained for all existing encroachments into the public right of way prior to any building or occupancy permits being issued.
6. That a permanent pavement markings are installed on the parking lot to delineate all parking stalls indicated on the site plan.
7. That all previous conditions of the Board regarding this property are maintained.
8. That no site improvements are to be constructed in the public right of way without permission from the Department of City Development.
9. That the appellant investigate the feasibility of vacating a portion of the N. Humboldt Ave. right of way to bring the building encroachment into conformity.
10. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
14	22494 Special Use Granted 10 yrs.	The National Association for Black Veterans, Property Owner  Request to continue occupying the premises as a social service facility and rooming house and to occupy the first floor of the premises as a health clinic.	2669 N. Martin L. King Dr. (6th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That all previous conditions of the Board regarding this property are maintained.
5. That these Special Uses are granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
15	22490 Special Use and Variance Granted	John Daugherty, Property Owner By: Robert Neumann  Request to perform motor vehicle repair on the premises and construct an addition to the existing van transportation facility.	424 W. Cherry St. (6th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That no transit vehicles related to this use are parked on-street.
5. That all previous conditions of the Board regarding this property are maintained.
6. That previous landscaping requirements (Case # 21703 dated July 14, 1998) be fully complied with prior to occupancy of new addition.
7. That current landscaping requirements be completed within sixty (60) days of occupancy of new addition.
8. That this Special Use and this Variance is granted for a period of time, commencing with the date hereof, and expiring July 13, 2008.



<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
16	22504 Variance Granted	Goodwill Industries of S.E. WI., Lessee By: S. Todd Farris  Request to occupy the premises as a technology center.	2620 W. North Ave. (7th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That all conditions of Decision No. 22070 are complied with in every respect.
5. That this Variance is granted for a period of time, commencing with the date hereof, and expiring January 27, 2009.

17	22467 Variance Granted 10 yrs.	Dr. David E. Baughman, Property Owner  Request to occupy the premises as a veterinary clinic.	4400 W. Oklahoma Ave. (8th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That this Variance is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
18	22486 Variance Adjourned	Lavon Hazel LaGrone, Property Owner  Request to construct an addition to the existing facility and occupy the premises without the required parking spaces.	3879 N. Teutonia Ave. (10th)

This item was adjourned at the request of an interested party and will be rescheduled for the next available hearing date.

19	22459 Special Use Granted 10 yrs.	The Social Development Commission, Lessee d/b/a Tendercare/Capitol Dr. Lutheran Church Daycare By: Rick Jessen  Request to occupy the premises as a day care center for 35 children, ages 3-5 years, from 7a.m. to 5p.m.	5205-29 W. Capitol Dr. (10th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That no parents vehicles or other vehicles providing child transportation to or from the site, including school buses, are parked or stopped on W. Capitol Drive during the morning peak period, in conformance with current parking restrictions.
5. That the operator comply with state commercial code for day care centers.
6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
20	22493 Dimensional Variance Granted	John F. Jorgensen, Property Owner  Request to add a dormer to the attic and create additional living space not to be occupied as another unit.	3046 S. 53rd St. (11th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the petitioner build in accordance with plans as submitted to the Board.
4. That this Variance is granted to run with the land.

21	22438 Special Use Granted 10 yrs.	Salomon Flores and Suleyman Kurter, Property Owner  Request to occupy the premises as an office.	705-719 S. 6th St. (12th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
22	22492 Special Use Granted 10 yrs.	Bassam Taleb, Prospective buyer  Request to occupy the premises as a grocery store.	1011 S. 5th St. (12th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That the storefront windows must remain as clear glass and must be maintained in an attractive manner.
5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

23	22469 Variance Granted	UCC Village, Inc., Property Owner By: John Yost  Request to construct a two-story elderly dwelling unit.	738 W. Washington St. a/k/a 1038 S. 8th St. (12th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the petitioner build in accordance with plans as submitted to the Board.
4. That a parking layout oplan identifying the size and location of all parking stalls required by the City of Milwaukee Code of Ordinances is submitted for review prior to any building permits being issued.
5. That this Variance is granted to run with the land.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
24	22489 Variance Adjourned	Eller Media Company, Lessee By: Jason Saari  Request to replace an existing construct an off premise double faced pylon sign within 1000 ft. of another off premise sign adjacent to the freeway.	901 Adj. W. Grange Ave. (13th)

This item was adjourned at the request of an interested party and will be rescheduled for the next available hearing date.

25	22495 Special Use Granted 10 yrs.	Burlington Coat Factory, Property Owner By: Jerome F. Kelly  Request to occupy and expand the existing clothing store.	1501 W. Zellman Ct. (13th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley
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Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the petitioner build in accordance with plans as submitted to the Board.
4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
26	22450 Special Use and Variance Granted 10 yrs.	The Carisch Brothers, Prospective Buyer d/b/a Arby's Restaurant  Request to construct a Type "B" restaurant with a drive-through.	123 W. Oklahoma Ave. (14th)  Ayes: 5 Nays: 0 Abstain: 1 Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the petitioner build in accordance with plans as submitted to the Board.
4. That the proposed cyclone fence with slats must be eliminated and the trash enclosure along the south side of the building must be screened in a manner consistent with the architecture of the building.
5. That site illumination must be controlled to prevent glare onto adjacent streets.
6. That signage along the east side of the site must be limited to a maximum of forty (40)square feet.
7. That based on requirements of s.295-75 and based on dimension of parking lot areas adjacent to public streets, the landscape plan must be upgraded to include five (5) additional trees along W. Oklahoma Ave. six (6) additional trees along S. Chase, and shrubs 3-3.5 feet in height must be provided along the entire length of all street frontages.
8. That this Special Use and these Variances are granted for a period of ten (10) years, commencing with the date hereof.

27	22513 Variance Adjourned	Dr. Noemi Prieto, Property Owner  Request to construct a 2-story building without the required parking.	8532 W. Capitol Dr. (5th)  Ayes: Nays: Abstain:
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This item was adjourned at the request of an interested party and will be rescheduled for the next available hearing date.

<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
28	22461 Special Use Granted 10 yrs.	Marshall & Ilsley Corporation, Lessee  Request to occupy the premises as a bank with a drive-through.	2745 N. Martin L King Dr. (6th)  Ayes: 4 Nays: 0 Abstain: 1 Scott R. Winkler

Board member Roy B. Nabors moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
29	22326 Variance/Special Use Granted in Part	Marilyn K. Betthausen, Property Owner  Request to continue occupying the premises as a second hand sales store and add a pawn shop operation.	2916-18 S. 13th St. (14th)  Ayes: 4 Nays: 0 Abstain: 1 C. Zetley

Scott R. Winkler moved to grant the special use for Second Hand Sales and deny the variance for a pawn shop. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That all conditions of Decision No. 19822 are complied with in every respect except as otherwise amended herein.
5. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.

30	22207 Use Variance & Special Use Adjourned	JR's Towing & Auto Service Inc., Lessee By: John LaPlante  Request to occupy the premises as an auto repair facility with wholesale auto sales & exterior storage of autos for salvage.	8617 W. Kaul Ave. (15th)  Ayes: 4 Nays: 0 Abstain: 1 C. Zetley
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This item was adjourned to allow the petitioner's attorney to receive notice of the hearing.



<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
31	22453 Special Use Granted 10 yrs.	James Tyler, Jack Rabon, and Kathryn Rabon, Property Owner d/b/a Jim's Refrigeration By: Kathryn Rabon  Request to occupy the premises as an appliance sales and repair facility.	5701 W. North Ave. (16th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Board member Henry P. Szymanski moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That the storefront windows must remain as clear glass and must be maintained in an attractive manner.
5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
32	22506 Special Use Granted 10 yrs.	Earl & Cassandra Harrell, Prospective buyer d/b/a Earl's Southern Catering By: Cassandra Harrell  Request to occupy the premises for food preparation.	4720 W. Lisbon Ave. (17th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Board member Catherine M. Doyle moved to grant the appeal. Seconded by Henry P. Szymanski.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That the signage is to be limited to the sign band.
5. That the roof mounted sign must be removed.
6. That any existing glass storefront windows must remain as clear glass and maintained in an attractive manner.
7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
33	22446 Special Use Granted 10 yrs.	The Multicultural Community H.S. Inc., Prospective Owner By: Nancy Nestler, Director of Operations  Request to occupy the premises as a community center and day care center for 120 children, ages infant to 6yrs., from 6AM to midnight.	5161 N. Hopkins St. (1st)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Board member Henry P. Szymanski moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That the operator comply with State commercial code for day cares.
5. That the operator comply with State commercial code for schools.
6. That signage be limited to a maximum of 17.5 square feet.
7. That all on site parking be reserved for child drop-off and pick-up.
8. That no on site parking occur by day care staff.
9. That these Special Uses are granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
34	22498 Special Use Granted 5yrs.	Antonio and Exie Washington, Lessee d/b/a Bless the Child Academy  Request to occupy the premises as a day care center for 28 children, ages 6wks. to 10yrs., from 8 a.m. to 5 p.m..	7135 W. Lisbon Ave. (2nd)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Board member Scott R. Winkler moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That the operator comply with State commercial code for day cares.
5. That the barbed wire on top of the chain link fence must be removed.
6. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.

35	22500 Special Use/Bndry. Ext. Granted 10 yrs.	Roger Sherman, Lessee d/b/a Goodwill Industries  Request to extend the R/C/40 district boundary line 21 ft. to the south and to occupy a portion of the premises as a social service facility.	5555 W. Capitol Dr. (2nd)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley
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Board member Scott R. Winkler moved to grant the appeal. Seconded by Henry P. Szymanski.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
35A	22463 Variance Granted 10 yrs.	Jeffery M. Ward, Property Owner  Request to occupy an additional story of the existing multi-family dwelling unit (this is not the creation of a third dwelling unit).	2955 N. Maryland Ave. (3rd)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Board member Scott R. Winkler moved to grant the appeal. Seconded by Henry P. Szymanski.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the petitioner build in accordance with plans as submitted to the Board.
4. That this Variance is granted to run with the land.

36	22266 Special Use Granted 10 yrs.	Bayoff Enterprises, Inc., Property Owner d/b/a Little Caesars Pizza By: Thomas S. Bayoff  Request to occupy the premises as a Type "B" restaurant.	2831 N. Oakland Ave. (3rd)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley
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Roy B. Nabors moved to grant the appeal. Seconded by Henry P. Szymanski.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That the damaged awning is repaired or replaced.
5. That a dumpster enclosure be provided on site.
6. That the appellant submit landscape and screening plans to Department of Development Planning Administration section for approval within thirty (30) days hereof. Said plans to include an acceptable urban edge treatment along North Oakland and East Geneva Place.
7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
37	22516 Special Use Granted 10yrs.	Harleen V. Peters, Prospective Buyer d/b/a African American Family Child Development Center  Request to occupy the premises as a day care center for 65 children, ages infant to 13 years, 6AM to 6:30 PM.	930 N. 27th St. (4th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Board member Henry P. Szymanski moved to grant the appeal. Seconded by Catherine M. Doyle.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That a barrier be installed between the parking lot and the public alley to the south of the site to eliminate alley access from the parking lot.
5. That all parking stalls on site be delineated with permanent pavement markings in a manner consistent with the site plan as submitted.
6. That landscaping and screening plans must be submitted, which meet the intent of s.295-75; including an urban edge treatment along North 27th Street and West kilbourn Avenue.
7. That signage must be limited to a maximum of 50 square feet.
8. That the existing storefront windows must remain as clear glass and must be maintained in an attractive manner.
9. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
38	22503 Special Use and Variance Granted 10 yrs.	Emmaus Lutheran Church & School, Property Owner By: Russell Knetzger	2210 W. Hadley St. a/k/a 2818 N. 23rd St. (7th)

Request to occupy the premises as a day care center for 120 children, ages 6 wks. - 4 yrs., from 6 a.m. to 6 p.m.

Ayes: 4  
Nays: 0  
Abstain: 1  
Craig Zetley

Board member Roy B. Nabors moved to grant the appeal. Seconded by Scott R. Winkler.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That a loading zone is installed on W. Hadley St. from North 22nd St. to the alley to the west.
5. That the operator comply with Tate commercial code for day cares.
6. That a subterranean lease agreement is entered into with the Common Council of the City of Milwaukee for the proposed tunnel under the alley.
7. That signage be limited to a maximum of 17.5 square feet.
8. That the outdoor play area must be enclosed with a decorative metal fence and that the appellant should submit a detailed fence plan to the Department of City Development-Plan Administration for approval within thirty (30) days of the date of the Board's decision.
9. That approval of the variance for the proposed building location must be contingent upon the approval and construction of the underground connecting tunnel between the day care center and the church.
10. That this Special Use and Variance is granted for a period of ten (10) years, commencing with the date hereof.

39	22466 Special Use and Variance Adjourned	MRED Commercial Development Corp., Prospective Buyer d/b/a Walgreens Retail Pharmacy By : Frank Pletcher	9040 W. Good Hope Rd. (9th)
		Request to construct a retail store with a drive through facility.	Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Henry P. Szymanski moved to adjourn the appeal. Seconded by Scott R. Winkler

<u>Item Number</u>	<u>Case No. Type</u>	<u>Description</u>	<u>Location (Ald. District)</u>
40	22472 Special Use/Dim. Variance Adjourned	Children First L.L.C., Property Owner By: Robb Marcus  Request to occupy the premises as a shelter for 20 children, within 2500' of another one.	5926 N. Teutonia Ave. (9th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Board member Scott R. Winkler moved to adjourn the appeal. Seconded by Henry P. Szymanski.

41	22346 Variance Adjourned	Lawrence Ochs, Lessee  Request to occupy the premises as a motor vehicle body-bumping and painting facility.	5130 W. Forest Home Ave. (11th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley
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Catherine M. Doyle moved to adjourn the appeal. Seconded by Henry P. Szymanski

42	22307 Special Use Granted 10 yrs.	Drinkmasters Inc., Property Owner d/b/a Mark's Sports Pub By: Mark Schwebke  Request to occupy the premises as a tavern with the addition of an exterior patio.	4035 S. Clement Ave. (13th)  Ayes: 4 Nays: 0 Abstain: 1 C. Zetley
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Board member Catherine M. Doyle moved to grant the appeal. Seconded by Henry P. Szymanski

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.
4. That the patio is not used after 11:00 PM.
5. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.



<u>Item Number</u>	<u>Case No.</u> <u>Type</u>	<u>Description</u>	<u>Location</u> <u>(Ald. District)</u>
43	22406 Special Use Granted 10 yrs.	Atlas Management, LLC, Lessee By: Robert Mabeus  Request to construct a parking lot on the premises.	800 W. Virginia St. (12th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley

Board member Henry P. Szymanski moved to grant the appeal. Seconded by Donald Jackson.

Conditions as recorded below and in the decision of the Board:

1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.
2. That any permits required to execute the approved plans be obtained within six (6) months of the date hereof.
3. That the petitioner build in accordance with plans as submitted to the Board.
4. That a landscape and screening plan that meets the intent of city code is submitted.
5. That the special use be approved for no more than five (5) years.
6. That the owner/applicant shall be responsible for continuous landscape maintenance including plant material replacement on a seasonal basis, if such material is no longer comparable in size to the plant list specification, and inconsistent with the typical form/shape of that species because of dieback, stunting or damage.
7. That the owner/applicant continue to work with the Department of City Development on an agreement for the extension of the riverwalk along the premises.
8. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.

44	22131 Special Use Adjourned	Allright Parking, Inc., Lessee By: Eric Dahl  Request to occupy the premises as a parking lot.	915 W. Juneau Ave. (4th)  Ayes: 4 Nays: 0 Abstain: 1 Craig Zetley
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Scott R. Winkler moved to adjourn the appeal. Seconded by Georgia M. Cameron

**Other Business:**

Board member Scott R. Winkler moved to approve the minutes of the September 20, 1999, meeting. Seconded by Board member Catherine M. Doyle. Unanimously approved.

The Board set the next meeting for November 11, 1999.

Board member Henry P. Szymanski moved to adjourn the meeting at 7:10 PM. Seconded by Board member Roy B. Nabors. Unanimously approved.

**BOARD OF ZONING APPEALS**

By \_\_\_\_\_  
Secretary